G. R. S. IX-5]

Previous references. 1879-80

~~191~~.

(Courts)

File No. 4

Serial Nos. 1—4.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4

Part B for July 1881.

SUBJECT.

Investiture of Powers of ~~an~~ Amildar ~~with~~ as regards the Collecting of Fines &c in Cattle-pounds.

W D 88—GPB—50,000—24-7-16

Memo (2)

Letter No. 389 dated 3rd February 1880 from the Deputy Commissioner, Chitaldroog.

A draft prepared in accordance with the orders passed on the letter above quoted, is herewith submitted for approval.

2. From the papers received from the Revenue Department, as all that could be traced on the subject, it does not appear that any order issued fixing that the Amildar in the office through whom collections from forests should be made & the District Magistrate, or that the Amildar should hold sales of cattle under the Cattle

known as the Cutch

Transfer sheet.

3. I understand from enquiries that the Auctioneer always holds the sales of cattle. It has been ordered on the Cattle under 'Fully that the Auctioneer should be appointed & hold the sales under Section 14. But Section 14 says that "of the cattle (impounded) be not claimed within 7 days from the date of the being impounded, the Pound Keeper shall report the fact to the officer in charge of Pursuant Police Station, or to such other officer as the Secretary of Agriculture appoints in that behalf" And the section goes on

by any that "such officer"
shall issue a proclamation
and shall sell the cattle
by public auction -
So that the Act leaves it
open to the Justices
Magistrate to direct
who shall be the officer
conducting the sales.
Under these circumstances
probably it will not be
determined for the Local
Government Boards who
shall conduct the sales -
Mr Sandford (an Officer)
justly remarks that
"the Pound keepers should
not hold the sales," as
the Act allows the
Pound keepers only to
collect fines and
authorizes an officer

appointed by the JP
Magistrate to hold
sales. I have, therefore,
not entered details in
the Draft that the Auctioneer
shall hold sales, but have
left the Draft unfinished
so that the addition may
be made if considered
necessary.

You enquire right as to
the order applying in any
one else, to hold sales shd
not emanate from the
C C J's.

4. Mr Sandford has
remarked that "probably
the Accountant General's
Circular will require
modification" I have
not seen M.S.
a copy of the
AG's circular referred
to. I do not anticipate any
necessary will be under the
order that is now about
issue - Orders are solicited

Rossfa

No 389 Rev 2

From District Magistrate Kolar
Chitaldroog

To Diary No 2446/4

Dated 30th February 18

Clo
4-1829

The Secretary to the Chief Commissioner
of Mysore and Coorg
General Department.

Sir.

In forwarding herewith Copies of the marginally noted Correspondence, I have the honor to request that the Chief Commissioner may be pleased to appoint under the provisions of section 12 of the Cattle Trespass Act, I of 1871, an officer through whom the pound Keepers should send the fines levied by them to the District Magistrate.

Letter No 343 D 78/1/80 to the Govt dd No 3604/1425 D 713/1/80 from the Govt pound

2. Since the introduction of the Act to this Province it has been the practice in this District to send all such monies to the Amildars who after paying 20 per cent to the pound Keepers credit the balance in the Taluk Treasuries to either the District Fund or the Municipal Fund as directed by the Deputy Accountant General in his circular No. 1068 dated the 21st November 1873 published at page 330, Part II of the Mysore Gazette. As this practice has been found to be convenient to the pound keepers. I request

that the Chief Commissioner may be pleased
to give legal sanction to it by directing that
the pound-keepers shall send the fines to the
Taluk Amildars in the first instance.

3. The Judicial Commissioner objects to the
retention of the sums in the Taluk Treasuries
on the ground that it is inconsistent with the
terms of the Act, which require their transmission
to the District Magistrate. As most of the pounds
are very far from the District Head Quarters,
it will be a great hardship to the pound Keepers if
they are required to send the moneys direct
to the District Magistrate, and if the Amildars
are on receipt of the monies required to send
them on to the District Magistrate there follows much
needless Correspondence, and some Complication
of accounts by their having to issue Taluk Treasury
Cheques on the District Treasury.

4. Besides, no great object is gained by the
transmission of the sums to the District Magistrate
except the fulfilment of a direction of the Law,
for the manner of their disposal has been
settled by the orders of the Chief Commissioner
and of the Deputy Accountant-general. The
sums to be paid to the pound Keepers out of the
fines are often very trifling, and all the
objections which exist to the pound Keepers sending
the monies direct to the District Magistrate
apply

I shall be glad to receive your instructions in this matter as early as possible.

I have the honor to be
Sir
Your most obedient servant
[illegible]
for District Magistrate

To
The Assistant Collector of Land Revenue
Bandra

Dated 7/2/80

Sir,

I am directed to forward herewith a petition from [illegible] praying for the refund of the fine realized from him under section 18 of the Act XXIII of 1871 and to request that you will be good enough to cause enquiry to be made into the case and to report whether the fine can be refunded.

I am also to request that you will return the petition with your report.

I have the honor to be
Sir
Your most obedient servant
[illegible]
for District Magistrate

To
The Mamlatdar & Magistrate
Bandra

Dated 7/2/80

Sir,

I am directed to forward herewith a petition from [illegible] praying for the refund of the fine realized from him under section 18 of the Act XXIII of 1871 and to request that you will be good enough to cause enquiry to be made into the case and to report whether the fine can be refunded.

I am also to request that you will return the petition with your report.

I have the honor to be
Sir
Your most obedient servant
[illegible]
for District Magistrate

To
The Mamlatdar & Magistrate
Bandra

Dated 7/2/80

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I am directed to forward herewith a petition from [illegible] praying for the refund of the fine realized from him under section 18 of the Act XXIII of 1871 and to request that you will be good enough to cause enquiry to be made into the case and to report whether the fine can be refunded.

I am also to request that you will return the petition with your report.

I have the honor to be
Sir
Your most obedient servant
[illegible]
for District Magistrate

To
The Assistant Collector of Land Revenue

1880. 044 04

From The Dy Commrs. Tanjore 24.1.80

To The Chief Secretary to Government, General Department.

Dated 30

Despatched 4th Feb.

Received 6th — —

Enclosures No. 2.

General No. 389 / 187 —7.

Requesting to move the Dist Boards to appoint under the provisions of Section 12 of the Cattle Trespass Cattle Act I of 71 an officer thro' whom the pounds keepers should send the fines levied by them to the Dist Magte.

All moneys credited in the Amildars taluk accts or in deposit with him, are held for the Collr who is the Magte of the Dist: if therefore the Amildar is appointed under sec 12 of Act I of 1871 to be the officer through whom fines levied are to be sent in under the orders of the Magte of the Dist the Amildar

Fees are deposited by the Amildar (sec 17) for three months, I think the spirit of the law will be observed. It will be exceedingly inconvenient, as those remarks, if actual cash has to be sent to the Dist Magte

H/L 7/2. 80

The Amildar can, and should be appointed the officer through whom fines levied under Section 12 should be sent, that is Head Assistant of the District, and the cash so realized can be sent in accounts for the Dist Magte and in the name of that officer when the fines are realized.

But I do not think that the mulamnil powers I shall hold under Sec 17 can be dealt with by the Amildar. The Act contemplates such sums being held in Deposit by the Magte of the District, whereas they are to be disposed. and who is entrusted with the Magte of

No 343 Rev. Dept.

Chittaldroog Dist.
Dy Commrs office
Chittaldroog 8th Jan: 80

1
2

To The Judl Commissioners
of Mysore

Sir,

With reference to the Rule of Practice
No 17 dated the 1st Ultimo directing that
Criminal Register No X shall be kept
only in the office of the District Magt
for all the pounds in the District, I
have the honor to submit the following
observations for your consideration.

2. There ought, I think to be a Column
either No 1 or No 2 to show the period
to which the transactions mentioned
in the subsequent columns relate.

3. Considering the great distance
from the District Head Quarters to
a large number of the pounds it is
not convenient to the pound keepers
generally to remit the amount of fines
to the District Magistrates office, nor
is it convenient to them to appear —
before that officer to receive their
salaries I am not aware that the
Local Government have under Sec: 12
of the Cattle Trespass act, appointed
any officer through whom the amount
of fines levied should be sent to the Dt
Magistrate; but for the sake of conv:
:venience I have directed that pound
keepers should remit amounts of fines
to the Taluq Treasuries which are —

conveniently situated for them, and where after paying 20 per cent to the pound keepers, the remainder will be credited to either Municipal Revenue or the District funds as the case may be, I have directed also that the surplus unclaimed proceeds of sale should be held in the Salary Treasuries in deposit for the prescribed period of three months pending orders from me. All the columns of the Register, therefore from 2 to 8 and 10 & 11 will have to be filled in, in this office on reference to the reports submitted by the Amildars. Column 9 and 10 which provide for the signatures of the recipient and of the Treasury officer cannot be made use of in this office unless it be to note references to receipts given by them.

I have the honor &c

Sd/ Abdool Khader

Dy Commr

True Copy

Asstt Commr

for Dy Commr

Bangalore 13th January 1860.

No. 3604/1425 Circular

From J. D. Sandford Esqr
Judicial Commr/s

To The District Magistrate
Chitaldroog

Sir,

I have the honor to acknowledge the receipt of your letter No. 343 of the 8th Instant and to state that I agree with you that the name of the pound should be shown in Column 1 of Criminal Register No. X.

2. You should refer to the local Government as to the officer to whom fines should be paid under Sec: 12 of Act 2 of 1871. Both this Section, and Section 17 require that the fines and surplus proceeds should be sent to the Magistrate of the District, and it was for this reason that I directed the Register to be kept in his office.

3. The orders issued by you for the retention of the sums in the Taluq Treasury do not seem to me to be consistent with the terms of the act.

I have the honor &c

Sd/ J. D. Sandford
Jud Commr

True Copy

Personal Asst
for Dy Commrs/s

17.

Proc: of the Chief Commissioner of Mysore
in the General Department, (Judicial), dated 24th February 1880.

3

Read

Letter No 389 dated 3d February 1880 from the Deputy Commissioner, Chitaldroog District, requesting that Pound Keepers under the Cattle Trespass Act be directed to send the fines collected by them & the Amildar in the first instance, to be disposed of by that Officer under the General control of the District Magistrate.

cls
4-1873
2

Order:—

The Chief Commissioner is pleased & direct, under Section 12 of Act I of 1871 (the Cattle Trespass Act), that the Amildar be Ex officio the officer

through whom all fines &
collected in the Cattle pounds
in his taluk, shall be
sent to the District
Magistrate. The cash
received by the Amildar
may be accounted for
to the District Magistrate
in the same manner as
other Magisterial fines,
and the remuneration
of pound keepers may be
paid therefrom by the
Amildar in the same
way that the salaries
of the officers in the
interior are paid.
The unclaimed proceeds
of sales of cattle held
under Section 17 of the
Act cannot, however,
be dealt with by the
Amildar, as the Act

contemplates such
Sums being kept in deposit
by the Magistrate of the
District, to whom claims
regarding them have to be
preferred.

C.R.
23/2

/o The Judl Comt in Support.
" The Dt Magistrate
" Dy Advt Genal

1880

Government of Mysore ✓

General Department

Judicial

To- The Jud. Commissioner
District Magistrate
Dep. Acctt. General.

Dated 24th February 1880.

No. 8635

J 8

111 11(

Page 6 re)

25

24-2-80

Directing that the Amildar be ex officio the officer through whom all fines &c collected in the cattle pounds in his district taluk should be sent to the district magistrate.

Proceedings of the Chief Commissioner of Mysore in the General Department, (Judicial),—dated 24th February 1880.

READ—

Letter No. 389, dated 3rd February 1880, from the Deputy Commissioner, Chitaldroog District, requesting that pound-keepers under the Cattle Trespass, Act be directed to send the fines collected by them to the Amildar in the first instance, to be disposed of by that officer under the general control of the District Magistrate.

No. 8635—JUDL. 8, DATED BANGALORE, 24TH FEBRUARY 1880.

ORDER THEREON.—The Chief Commissioner is pleased to direct, under Section 12 of Act I of 1871, (the Cattle Trespass Act), that the Amildar be *Ex-officio* the officer through whom all fines, &c., collected in the cattle pounds in his taluk, shall be sent to the District Magistrate. The cash received by the Amildar may be accounted for to the District Magistrate in the same manner as other Magisterial fines, and the remuneration of pound-keepers may be paid therefrom by the Amildar in the same way that the salaries of the officers in the interior are paid.

The unclaimed proceeds of sales of cattle held under Section 17 of the Act cannot, however, be dealt with by the Amildar, as the Act contemplates such sums being kept in deposit by the Magistrate of the District, to whom claims regarding them have to be preferred.

W. J. CUNINGHAM,
Secretary.

To—The Judicial Commissioner in Mysore.
„ District Magistrates.
„ Deputy Accountant General.

1880.

GOVERNMENT OF MYSORE.

GENERAL DEPARTMENT.

JUDICIAL.

3

To

THE JUDICIAL COMMISSIONER.
DISTRICT MAGISTRATES.
" DEPUTY ACCOUNTANT GENERAL.

Dated 24th February.

Despatched 27

Received

No. 8635.
Judl. 8.

Directing that the Amildar be *Ex-officio* the officer through whom all fines, &c., collected in the cattle pounds in his taluk should be sent to the District Magistrate.

Mysore Govt. Press, Bangalore.—26-2-80.—60.

General, (Serial No. 29.)

12

18 8.

OFFICE OF THE
30 JUN
DEWAN OF MYSORE

From The District Magte of Chitaldroog

To Dewan

Secretary to ~~Chief Commissioner~~,
General Department.

5

Dated 28th
Despatched do 3 June 1887.
Received

Enclosures No. 4

General No. / *No.* } 188 —8 .

198.

The usual practice in dists is that I would thankfully get & obtain records from the Amildars and pass orders.

B/S 2/7/87

6 Requests — instructions as to whether he may direct payment to the — Applicants of the surplus proceeds of the sale in deposit under his orders &c.

30-6 87
DS
Do accordingly thanks

Chittaldroog District
Magistrates Court
Dt 28th June 1881.

(5)

No 198.

From
The Dist Magistrate
Chittaldroog

To
The Secretary to the
Durbar of Mysore
General Dept

Sir,

The 3rd para of section 17 of the Cattle Trespass Act (No 10 of 1871) says "The surplus unclaimed "proceeds of the sale of cattle "shall be sent to the Magistrate "of the District, who shall hold "them in deposit for 3 months, "and if no claim thereto be "preferred and established within "that period, shall dispose of "them &c". Para 2 of the late Chief Commissioners Proceedings No 8635/pro 8 dated 24th Feby 1882

Copy

15

says down," the unclaimed pro-
"ceeds of sale of cattle cannot
"be dealt with by the Amildar.
"All claims regarding them
"have to be preferred to the Dist.
"Magistrate." These terms make
it doubtful whether applications
regarding claims to surplus
proceeds of sale of cattle made
to a District Magistrate, can be
referred by him to the Amildar
for enquiry and report; and
whether upon receipt of the
record of enquiry by the Amil-
dar, it is permitted for the
District Magistrate on a perusal
of such record, to allow the
claim or not, as the circum-
stances of the case may warrant.

2. In two instances in which applications of the above description were received recently from persons living in Madak Sirsa Taluq of H. H.'s Territory, I

I sent the applications to the
Amildar of Pavagada for enquiry
as otherwise the parties would
have been subjected to considerable
inconvenience, in having to
travel all the distance from
Madakkira to Chitaldroog. The
witnesses also would have had
to appear before me which I
found would be doubtful, if
not difficult to procure, they
being residents of H. Hs.s Territory.
The Amildar has held the
enquiry and submitted to me
the record from which I find
that the applicants have proved
their claim satisfactorily. Under
these circumstances I beg the
favor of your instructions as
to whether, I may direct pay-
ment to the applicants of the
surplus proceeds of sale in de-
posit under my orders, or whether
it is incumbent that the claims
should be enquired into by me
personally

personally.

I have the honor to be,

Sir,

Your Most Obed't Servt.

Burkhard S. V.B.

District Magistrate

Chulaldrong

[illegible] 18

Read.

CS
4—1879
4

Letter from the Dy. Comr. & Distt Magistrate of Chitaldroog, No. 198 of the 28th June 1881.

— (6)

No 2795-2802 of 5th July/81.
44.

Order

There seems no objection to the District Magistrate getting Amil. -dars to investigate ~~the~~ claims for surplus unclaimed proceeds of the sale of cattle, for disposal by him under Section 17 of the Cattle Trespass Act 1 of 1871 -

CE
5/7

Secty.

To. The Dy Comr., Chitaldroog

: Dy : of the Distt